IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.8425 OF 2004

Shri Babu Shanakr Gorgal, .. Petitioner

Vs

1. Mr Madhavrao Yeshwantrao Ghorpade

and ors. .. Respondents

Mr. Y.J.Master, for the petitioner.

CORAM : D.B.BHOSALE,J.

DATE : 28th October, 2004.

PC:

1. Heard the learned counsel for the petitioner.

2. This petition is directed against the order dated 1/9/2004 passed below Exhibits 67,71,74,76 and 77 in Regular Civil Suit No.308 of 2001. By the impugned order, the Court has rejected the prayer of the petitioner to examine defendant nos 4 to 7 by exercising powers under Rule 14, Order 16 of the Code of Civil Procedure, 1908. I perused the order and the other material placed before me. In my opinion, the Court below has rightly declined to accept the request made by the petitioner for the reasons recorded in the impugned order. I find no reason to interfere with the impugned

order passed by the Court below which, in my opinion, is just and proper. No case for exercising the writ jurisdiction under Article 227 of the Constitution of India is made out. The writ petition, therefore, fails and is dismissed as such.

. An authenticated copy of this order may be made available to the parties.

(D.B.BHOSALE, J.)